

1 **Terrance Walker**, *in propria persona*
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6 **IN THE UNITED STATES DISTRICT COURT FOR NEVADA**

7	Terrance Walker	:	CIVIL CASE NO. 3:18-CV-0132-MMD(CBC)
8	Plaintiff,	:	
9	vs.	:	ERRATA TO EFC 163
10	Intelli-heart Services Inc., et. Al.	:	
11	Defendants.	:	

12 COMES NOW Plaintiff Terrance Walker filing an errata to EFC 163, pg 3, ll. 14-21 that states,

13 “To resolve the Germain’s claims of privilege, free speech, and other claims in regards
 14 to the communications it claims that it did not make concerning Walker NOT being
 15 subcontractor, Walker needs discovery from the parties. Walker needs depositions (mainly from
 16 Daniel Germain), request for admissions, and interrogatories. Also, Walker’s discovery issues
 17 need to be resolved (EFC 113, 150, 152, 162) which would shed light on whether or not Germain
 18 was, indeed, under privilege or if he (as Walker alleges) was not privileged because he (as a favor
 19 to a friend/pal Danny Weisburg) lied to the VA about Walker’s subcontracting status in
 20 furtherance of a tort (See e.g. EFC 150). As such, an extension of, at least, the time in which
 21 should be granted. LR IA 6-1(a).”

22 However, EFC 163, pg 3, ll. 14-21, should state,

23 “To resolve Germain’s claims of privileged (**private**) communication and free
 24 Speech (of **public** concern) -- contradictory on their face --- , Walker needs discovery from the
 25 parties. Walker needs depositions (mainly from Daniel Germain), request for admissions, and
 26 interrogatories. Walker’s discovery issues on these communications need to be resolved (EFC
 27 113, 150, 152, 162). Discovery would shed light on whether or not Germain was, indeed, under
 28 privilege or if he (as Walker alleges) was not privileged because he (as a favor to a friend/pal
 Danny Weisburg) lied to the VA about Walker’s subcontracting status in furtherance of a tort¹
 (See SAC para 121;. **EFC 152**, pg 15-18²). An extension of past the time of when discovery
 issues are resolved, should be granted to Walker to respond. LR IA 6-1(a). F.Civ.R.P 6.

¹ United States v. Zolin, 491 U.S. 554, 563, 109 S.Ct. 2619, 2626, 105 L.Ed.2d 469 (1989) ("It is the purpose of the crime-fraud exception to the attorney-client privilege to assure that the seal of secrecy between lawyer and client **does not extend to communications made for the purpose of getting advice for the commission of a fraud or crime.**"; In re Grand Jury Proceedings, 604 F.2d at 802 “client used the lawyer's services to further a continuing or future crime or tort." Id.

² Germain is listed in more than the 1 communication he claims to be (See EFC 152, pg 18)

1 Even Nevada law supports such a result. NRS 41.660 , states:

2 4. Upon a showing by a party that information necessary to meet or oppose the burden pursuant
3 to paragraph (b) of subsection 3 is in the possession of another party or a third party and is not
4 reasonably available without discovery, the court shall allow limited discovery for the purpose of
ascertaining such information.”

5 Respectfully submitted,

6 By /s/ Terrance Walker
Terrance Walker

Dated: May 3, 2019

CERTIFICATE OF SERVICE

8 The undersigned certifies that the undersigned is over the age of 18 and that on May 3, 2019, that he
9 personally served via the Court's electronic filing system all parties to this case one copy of this filing to the
parties at the email address listed below.

10 /s/ TERRANCE WALKER

11 signed, /s/Terrance Walker

Copy to: Kristen and Will Geddes, Esq.

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